

RECEIVED

JUL 29 2019
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
OFFICE OF THE CLERK

A19CR0155 LY

Jeannette J. Clark - Clerk of Court
Philip J. Devlin - Chief Deputy
501 W. 5th Street, Suite 1100
Austin, TX, 78701

July 24th, 2019

To whom it may concern's

My name is Nicholas E. Martinez, I am An American Born Hispanic and I am writing to Ask if the United States District Court will take A look into my case Because I Have lost All faith in the state Courts and the "Criminal" Justice System. I Have Been incarcerated going on about 16months and Have not Had Any Responses from my Lawyer, even upon Reasonable Requests, and the last I Can Recall was Back in May, on the 2nd Day of May 2019 to Be exact, was when I set foot inside of A Courtroom and I had brought up the fact that Commercial Laws were Being ILLEGALLY Enforced on me and the Judge Presiding that Day was Grizzard (or Grizzly) well this Judge Told me that these United States Statutes I was Referencing are only Applied to "Sovereigns" and that A lot of Courts have Rejected what I was Bringing in.

And I would like for the Removal of A Criminal Prosecution to Be Made Because I will give the Following Reasons...

Reason #

(1)

It is in the Code of Federal Regulations that I May Request the Removal of state Prosecutions and if you take a look at the overall transcripts and recordings for All Appearances made During my whole incarceration period, you will see that my Constitutional Rights have Been Violated More than One time and that includes Being Violated Several times By the presiding Judges who were there on those Dates or sitting in for one other Judge on other Dates.

Reason #

(2)

It is Clear that I Have cited United States Statutes to the Judge Because those Statutes shall apply to Every single State within the United States and that have A Membership and Agreement that makes the State as A Participant in the United States, which means that the United States Statutes should Be Applied along with state Statutes and All states should Comply with these United States Statutes, Being as A Member of The United States As A whole... Each state as A whole makes up the United States, so why would United States Statutes Not Apply to Texas and why is it that Certain states Can pick and choose which Statutes Can or cannot Apply Based on A state Judge's opinion this sounds like Corruption...

Reason #3

I have pointed out several times that the Definition "Motor Vehicle" as used in the Alleged Indictments illegally formed, Conspired, organized, and sworn under oath against me by the State of Texas, is in fact An illegal Action in the form of Commerce and Trade, Due to the fact that the Term "Motor Vehicle" As Defined in United States Codes and Statutes is this... .

*Exact Definition: United States Statutes (cite As 18 U.S.C. § 31)

Title 18: Crimes and Criminal Procedure

Part 1: Crimes

Chapter 2: Aircraft and Motor Carriers

§ 31: Definitions

(c) Motor Vehicle

The Term "Motor Vehicle" means EVERY Description of Carriage or other Contrivance Propelled or Drawn By Mechanical Power AND Used for Commercial Purposes on the Highways in the Transportation of passengers, passengers and property, or property or cargo.

(d) Used for Commercial Purposes

The Term "Used for Commercial Purposes" Means the Carriage of persons or property for ANY fare, fee, Rate, Charge, or other Consideration, or Directly or indirectly in Connection with ANY Business, or other Undertaking intended for profit.

These Definitions Are all on the same page if you will look it up... .

Reason #3 (continued)

I Have Also pointed out that Count 1 and Count 2 on Each Indictment Conspired against Me are very Contradicting to One Another Because on Count 1 it says "Caused serious Bodily injury By Accident And mistake and the Title Charge for Count 1 on Each indictment is "Intoxication Assault", But, on Count 2 of Each Indictment the Contradiction starts as the title is switched from Intox. Assault to → "Aggravated Assault" which would contradict itself Because "Intoxication" is in fact the following meaning:

* Intoxication: Drunkenness; of Unsound Mind, The Condition of Impaired Mental Capacity Due to the Excessive Consumption of Alcohol, Incapable of Comprehending the wrongfulness of ones Conduct which makes the Actors Behavior involuntary... .

OK Now Here is what 'Aggravated' would mean to Any person with Common Sense

* Aggravated: Angry, Mad, State of Rage, Intent on Hurting,

Well to sum it all up; on Count 1 the Indictment says Intox. Assault, and Caused serious Bodily injury By Accident And Mistake, then on Count 2 on the Indictments It says Aggravated Assault, and that I acted "Recklessly" and that I used A weapon, to name A "motor Vehicle". So Now I will go on to my Next Reason . . .

Reason #4

So Now that you know Reason #3, this Reason will now Bring to Light A lot More for you who observe with Reasonable and Logical thinking... .

Now that the Words Are changed from Intox. to Agg. it would Change the whole Definition to Be Enforced, so Now that each Count on Count 1 of Each Indictment was Enhanced to Aggravated Assault the State would Have to Now say that it was NOT An "Accident and Mistake" like it stated at first in Count 1 of Each Indictment; Now it would Have to State that since it changed the Definition to Aggravated, that it was now my Intention that I Planned out this Action I am Being Accused of, That my Keen Attention was set on that action, That my state of mind was set on following through with that Action, That I was Determined and it was My sole purpose with Concentrated Focus to Carry out that specific action I am Being Accused of and that would Be Very Very Contradicting Because an Accident and Mistake as Stated in Count 1 of Each Indictment is far from that, and I will give Definitions... .

* Accident: An unfortunate Event occurring By Chance or Unintentionally; Lack of Intent
Chances without foresight, Plan, or intention (Synonymous with Accidental), To Take Place By Chance: HAPPEN

Reason #4 (continued)

Mistake: A wrong Judgement; Misunderstanding; To misinterpret; To misunderstand the meaning or intention of, A wrong Judgement of Ability

So Now there Are the Reasons I also Have More to Add, so Let me get on with the Next Reason..

Reason #5

On the Indictments, the state uses Language to Construct and By my Understanding, there is Technical Words that Tie in Relation to Certain Statutes By the Use of those Certain words and grammar. The words : Trade Traffic, Transportation, Serious Traffic Violation, Excessive speeding, Reckless Driving, Motor Vehicle Traffic Control, are all in Relation to:

Commerce

As Defined in → 49 U.S.C. S. 31301

Therefore the Language Used on the Illegal Indictments Are proof that the State of Texas Grand Jury Has Committed Perjury By swearing Under Oath, and Conspired against me To Illegally Enforce Commerce and Trade Laws Against Me, which would Be the Next Reason I Show proof of .. .

Reason #6

United States Statutes Title 15: Commerce and Trade
Chapter 1: Monopolies and Combinations in Restraint of
Trade

All of these subchapters from 1 through 4 are what I would like to say Do Apply and its the cite: (15 U.S.C. § 1 ^{et seq.})

15 U.S.C. § 2

15 U.S.C. § 3

15 U.S.C. § 4

This is A very Big Deal To Me Because Beyond these are the injustice and the time that I am Being Delayed and I could Be out at Home with My family, living A productive life and working and Being there for my kids. Keep in mind that A Default Judgement Was Also Decreed Against me and it was A \$1 million Dollar Lawsuit By the Officer and Who in their Right mind would Be able to say that that is Justice? You sue me for \$1 million And then you offer me 40 years, then 20 years, and tell me that if I go to trial and lose that the very minimum I'll receive is 15 years for A car Accident that's why I say I've lost my faith in the state to all Irreparable Harms. If you even think of this, I'm 28 years old, Facing a minimum of 15 years and Already owe \$1 million Due to A Default Judgement, so Now think of that, and tell me Does that Sound Like Injustice' and Double Jeopardy at its Finest?

B#8

I am only writing to ask if this federal Court will help me because my whole life is being played with and its eating away at me every single day. I need some real help because the state of Texas seems to think that throwing someone in prison is going to help and I've got a life to live over going to prison over an accident, especially with excess time like that. Just because I have a past record shouldn't mean anything. I've already done payed my dues back to society for harm I've caused in my past and I served a complete 5yr prison sentence Day for Day and feel as if I deserve to be heard because nobody cares for my life like I care for my life and I'm going to do everything I can to be heard. I'm asking for your help and please send someone to let me know that I was heard on the federal level.

Thank you for your help
 Thank you for your time
 May God Bless You

Sincerely
~~without prejudice~~

Nickolas E. Martinez

Return Address:

Nickolas E. Martinez #1817927

Travis County Sheriff's Office

3614 Bill Price Rd.

Del Valle, TX, 78617